
DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric
Administration

50 CFR Part 642

[Docket No. 910658-1190]

Coastal Migratory Pelagic Resources
of the Gulf of Mexico and South
Atlantic

AGENCY: National Marine Fisheries
Service (NMFS), NOAA, Commerce.

ACTION: Proposed rule.

SUMMARY: The Secretary of Commerce issues a preliminary notice of change in the total allowable catch (TAC), allocations, quotas, and bag limits for the Atlantic and Gulf of Mexico migratory groups of king and Spanish mackerel in accordance with the framework procedure of the Fishery Management Plan for the Coastal Migratory Pelagic Resources (FMP). This notice proposes (1) for the Atlantic and Gulf migratory groups of king and Spanish mackerel, increases in TAC and allocations; (2) for the Gulf migratory group of king mackerel in the eastern area (off Florida), removal of the three-fish alternative bag limit available for persons fishing from charter vessels so that a bag limit of two per person per day would apply throughout the eastern area without regard to the type of vessel; (3) for the Atlantic migratory group of king mackerel, removal of the differential bag limits for northern and southern areas and an increase in the bag limit to five per person per day; and (4) for cobia, a clarification that the existing recreational/commercial daily bag limit of two per person applies regardless of the number of trips or the

duration of a trip. Changes in the TAC and allocations would be effective for the Atlantic migratory groups of king and Spanish mackerel and for the Gulf migratory group Spanish mackerel for the fishing year that commenced April 1, 1991, and for the Gulf migratory group king mackerel for the fishing year that commences July 1, 1991. The other changes would be effective upon publication. The intended effects are to protect the mackerels from overfishing and continue stock rebuilding programs, while still allowing catches by important recreational and commercial fisheries dependent on these species, and to clarify the regulations.

DATES: Written comments must be received on or before July 16, 1991.

ADDRESSES: Comments may be sent to and copies of the Draft Regulatory Impact Review may be obtained from: Mark F. Godcharles, Southeast Region, National Marine Fisheries Service, 9450 Koger Boulevard, St. Petersburg, FL 33702.

FOR FURTHER INFORMATION CONTACT: Mark F. Godcharles, 813-883-3161.

SUPPLEMENTARY INFORMATION: The mackerel fisheries are regulated under the FMP, which was prepared jointly by the Gulf of Mexico and South Atlantic Fishery Management Councils (Councils), and its implementing regulations at 50 CFR part 642.

In accordance with 50 CFR 642.27, the Councils appointed an assessment group (Group) to assess on an annual basis the condition of each stock of king and Spanish mackerel in the management unit, to report its findings, and to make recommendations to the Councils. Based on the Group's 1991 report and recommendations, advice from the Mackerel Advisory Panels and the Scientific and Statistical Committees, and public input, the Councils recommended to the Director, Southeast Region, NMFS (Regional Director), changes to TACs, allocations, and bag limits.

Specifically, the Councils recommended that, effective with the fishing year that began April 1, 1991, annual TACs be increased for the Atlantic migratory groups of king and Spanish mackerel to 10.50 and 7.00 million pounds (m. lbs.), respectively, and increased for the Gulf migratory group of Spanish mackerel to 8.00 m. lbs. For the fishing year beginning July 1, 1991, the Councils recommended that the annual TAC for the Gulf migratory group of king mackerel be increased to 5.75 m. lbs. All proposed TACs are

within the range of the acceptable biological catch (ABC) and equal to, or closely approximately, the modal ABC values determined by the Group.

Under the provisions of the FMP, the recreational and commercial fisheries are allocated a fixed percentage of each TAC, except for the Atlantic group Spanish mackerel, which is apportioned by a method established under amendment 4 to the FMP to attain a 50 percent recreational and 50 percent commercial allocation of TAC by the 1994/95 fishing year. Under that method and with the proposed TAC increase to 7.00 m. lbs., the Atlantic group Spanish mackerel would attain the 50/50 commercial/recreational allocation in the fishing year that began April 1, 1991. Also, the Gulf king mackerel commercial allocation is divided by fixed percentages into quotas for eastern and western zones. Under these percentages and the proposed TACs, 1991/92 allocations and quotas would be as follows:

Species	m. lbs.
Gulf King Mackerel—TAC	5.75
Recreational allocation (68%)	3.91
Commercial allocation (32%)	1.84
Eastern zone (59%)	(1.27)
Western zone (31%)	(0.57)
Gulf Spanish Mackerel—TAC	8.00
Recreational allocation (43%)	3.70
Commercial allocation (57%)	4.90
Atlantic King Mackerel—TAC	10.50
Recreational allocation (62.9%)	6.60
Commercial allocation (37.1%)	3.90
Atlantic Spanish Mackerel—TAC	7.00
Recreational allocation (50.0%)	3.50
Commercial allocation (50.0%)	3.50

The recreational fishery is regulated by both allocations and bag limits. For Atlantic group king mackerel, the Councils recommended increasing the bag limits from three to five fish per person per day in the northern area and from two to five fish per person per day in the southern area. The Councils noted that the group is not overfished, that the proposed TAC would increase the recreational allocation by 25 percent, and that last year's recreational catch may reach only 80 percent of its allocation. The Councils believe that a five-fish group-wide bag limit would facilitate achievement of the optimum yield for this segment of the fishery and may reverse economic declines in the charter vessel industry that have been attributed to the lower bag limits.

For Gulf group king mackerel, the

Councils recommended a uniform bag limit of two fish per person per day in the eastern area (off Florida) in place of the current option for persons fishing from charter vessels of three per person per day, excluding operator and crew, or two per person per day, including operator and crew. The three-fish option for persons fishing from charter vessels in the remainder of the Gulf would remain in effect. The Councils' intent is to impose a bag limit for Gulf group king mackerel in the exclusive economic zone off Florida that is compatible with the bag limit in Florida's waters and to address persistent problems caused by early reduction to zero of the bag limits in the Gulf king mackerel recreational fishery. In three of the last four fishing years the recreational allocation was reached and zero bag limits were implemented in December, negatively affecting important winter and spring recreational fisheries. Recent analyses indicate that elimination of the three-fish charter vessel option could moderately reduce catch and prolong recreational harvest. Elimination of the option in the eastern area would have Gulf-wide benefits because approximately 80 percent of the annual recreational catch of Gulf group king mackerel has been taken from the eastern area in recent years.

The Regional Director initially concurs that the Councils' recommendations are necessary to protect the stocks and prevent overfishing and that they are consistent with the goals and objectives of the FMP. Accordingly, the Councils' recommended changes are published for comment.

In addition to the Councils' recommended changes, NOAA proposes to clarify that the cobia daily bag limit of two fish per person applies regardless of the number of trips or the duration of a trip, as was intended in Amendment 5 to the FMP, which established the cobia daily bag limit. The changes to § 642.28 specify that the bag limits apply per day, consistent with the final rule implementing Amendment 5 (55 FR 29370, July 19, 1990).

Other Matters

This action is authorized by 50 CFR 642.27 and complies with Executive Order 12291.

List of Subjects in 50 CFR Part 642

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: June 24, 1991.

Samuel W. McKee,

Acting Assistant Administrator for Fisheries,
National Marine Fisheries Service.

For the reasons set forth in the preamble, 50 CFR part 642 is proposed to be amended as follows:

PART 642—COASTAL MIGRATORY PELAGIC RESOURCES OF THE GULF OF MEXICO AND SOUTH ATLANTIC

1. The authority citation for part 642 continues to read as follows:

Authority: 16 U.S.C. 1801 *et seq.*

§ 642.21 [Amended]

2. In § 642.21, the numbers are revised in the following places to read as follows:

Paragraph	Re- moved	Added
(a)(1), first sentence.....	1.36	1.84
(a)(1)(i).....	0.94	1.27
(a)(1)(ii).....	0.42	0.57
(a)(2), first sentence.....	3.08	3.90
(b)(1).....	2.89	3.91
(b)(2).....	5.22	6.60
(c)(1).....	2.99	4.90
(c)(2).....	3.14	3.50
(d)(1).....	2.26	3.70
(d)(2).....	1.86	3.50

3. In § 642.28, paragraphs (a)(1), (a)(3)(i), (a)(3)(ii) introductory text, and (b) are revised to read as follows:

§ 642.28 Bag and possession limits.

(a) * * * (1) *Bag limits.* A person who fishes for king or Spanish mackerel from the Gulf or Atlantic migratory group in the EEZ, except a person fishing under a permit specified in § 642.4(a)(1) and an allocation specified in § 642.21(a) or (c), or possessing the purse seine incidental catch allowance specified in § 642.24(d), is limited to the following:

(i) *King mackerel Gulf migratory group.*—(A) *Eastern area.* Possessing two king mackerel per person per day

(B) *Central and western areas.* (1) Possessing three king mackerel per person per day, excluding the operator and crew, or possessing two king mackerel per person per day, including the operator and crew, whichever is the greater, when fishing from a charter vessel.

(2) Possessing two king mackerel per person per day when fishing from other vessels.

(ii) *King mackerel Atlantic migratory group.* Possessing five king mackerel per person per day.

(iii) *Spanish mackerel Gulf migratory group.*—(A) *Eastern area.* Possessing five Spanish mackerel per person per day.

(B) *Central area.* possessing ten Spanish mackerel per person per day.

(C) *Western area.* possessing three Spanish mackerel per person per day.

(iv) *Spanish mackerel Atlantic migratory group.*—(A) *Northern area.* Possessing ten Spanish mackerel per person per day.

(B) *Southern area.* possessing five Spanish mackerel per person per day.

(3) * * * (i) For the purpose of paragraph (a)(1)(iv) of this section, the boundary between the northern and southern areas is a line extending directly east from the Georgia/Florida boundary (30°42'45.6"N. latitude) to the outer limit of the EEZ.

(ii) For the purposes of paragraphs (a)(1)(i) and (a)(1)(iii) of this section,

(b) *Cobia.* The daily bag and possession limit for cobia in or from the EEZ of the Gulf of Mexico and the Atlantic Ocean south of the Virginia/North Carolina border is two fish per person, regardless of the number of trips or duration of a trip and without regard to whether or not the cobia are taken aboard a vessel with a commercial permit.

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